

## Yuri & Irina Starostenko *pro se*

Hon. Katherine Polk Failla, United States District Judge  
40 Foley Square Room 105  
New York, NY 10007

**MEMO ENDORSED**

Via ECF Filing  
June 1, 2022

Re: Starostenko et al. v. UBS AG et al., DOCKET #19-cv-09993-KPF

Dear Madam:

After receiving the Letter of Motion of counsel for Defendants (Dkt. 129) seeking “*that Plaintiffs be required to re-submit a revised Opposition within the page limitation (or within a reasonable range thereof) or seek permission from the Court to exceed such limitation with a justification for such an accommodation*”, we respectfully disagree with the counsel’s contentions that “*the Opposition is single-spaced*” and that “*violations*” are “*blatant*”.

First and foremost, please accept our deepest apologies for such a violation. The excessive length of the Opposition is explained that we quoted extensively the Defendants’ Memorandum of Law in support of the Consolidated Motion to Dismiss (Dkt. 126) (“MOL”) and case law in order to overcome the lack of legal training at the expense of proper organization and coherence.

Second of all, the reasons for disagreement are as follows:

- our Opposition (Dkt. 128) is typed in the same 1.15-spaced typeface as the Defendants’ Memorandum of Law in support of the Consolidated Motion to Dismiss (Dkt. 126) (“MOL”);
- the MOL is 32 pages in length and it is made with the use of counsel’s professional skills, which we do not have; however,
- though drafting flaws such as excessive length may make it difficult for Defendants to parse our arguments, fat in the Opposition made by *pro se* litigants can be ignored (*see, e.g., Bennett v. Schmidt*, 153 F.3d 516, 517 (7th Cir. 1998)).

Third of all, if the Court orders to re-submit a shorter Opposition we most respectfully ask to allow us at least 32 pages, as Defendants allowed themselves, and time of three weeks because, in effect, it can take more time to produce a document of shorter length than one of greater length without special skills needed, even if the writer makes considerable effort and working hard to produce good writing.

Very Sincerely Yours,



Irina Tsareva *pro se*



Yuri Starostenko *pro se*

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The Court is in receipt of Defendants' June 1, 2022 letter (Dkt. #129) and Plaintiffs' above response.

As Plaintiffs concede, their memorandum of law in opposition to Defendants' motion to dismiss violates this Court's individual rules. (See Dkt. #128). Indeed, the memorandum is approximately 55 pages (excluding the cover page and table of authorities), and thus exceeds this Court's standard page limit by 30 pages.

This is not the first time Plaintiffs have failed to comply with the Court's rules or directions in this case. (See, e.g., Dkt. #122). While the Court recognizes that Plaintiffs are proceeding *pro se* and, as such, are entitled to some measure of flexibility, it also appreciates that Plaintiffs' actions over the course of the case have imposed financial and other consequences on Defendants.

With all this said, the Court declines to order Plaintiffs to file an amended memorandum of law. The Court believes that such an order would unnecessarily further delay this case and yield few, if any, benefits to either Defendants or the Court. The Court will, however, allow Defendants additional time to file an extended reply brief. Defendants are hereby ORDERED to file a letter requesting a modified due date and page limit for their reply brief on or before **June 10, 2022**. The Court will grant any reasonable request.

The Clerk of Court is directed to terminate the motion at docket entry 129.

Dated: June 3, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE